

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**EVA DENISE MONTOYA,  
BRENDA MOFFETT,**

**Plaintiffs,**

**v.**

**No. 11-cv-0814 RB/SMV**

**VILLAGE OF CUBA,  
MARCUS ROMERO, in his individual capacity,  
JASON GRIEGO, in his individual capacity,  
TOMMY SALAZAR, in his individual capacity,**

**Defendants.**

**AMENDED ORDER SETTING SETTLEMENT CONFERENCE**

THIS MATTER comes before the Court on the Defendants' request to reschedule the settlement conference, currently set for April 9, 2012. The conference will be held on **May 8, 2012 at 9:00 a.m.** in the Pete V. Domenici United States Courthouse, ADR suites 3 and 4, third floor, 333 Lomas Blvd., NW, Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person.

No later than **April 24, 2012**, Plaintiffs shall serve on Defendants a letter that sets forth at least the following information: (a) a brief summary of the evidence and legal principles that Plaintiffs assert will allow them to establish liability; (b) a brief explanation of why damages or other relief would appropriately be granted at trial; (c) an itemization of the principles supporting

those damages; and (d) a settlement demand.<sup>1</sup> No later than **April 28, 2012**, Defendants shall serve on Plaintiffs a letter that sets forth at least the following information: (a) any points in Plaintiffs' letter with which the defense agrees; (b) any points in Plaintiffs' letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer.<sup>2</sup> Each of these letters typically should be five pages or fewer, and counsel must ensure that each party reads the opposing party's letter before the settlement conference. Plaintiffs shall provide copies of these letters to the Court no later than **5:00 p.m. on Tuesday, May 1, 2012**.

No later than **5:00 p.m. on Tuesday, May 1, 2012**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) that shall contain an analysis of the strengths and weaknesses of its case. These letters must be submitted to the Court by e-mail at **VidmarChambers@nmcourt.fed.us**.

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on Tuesday, May 1, 2012**.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

---

<sup>1</sup>If the parties have engaged in settlement negotiations, Plaintiffs' demand should be lower than Plaintiffs' most recent demand.

<sup>2</sup>If the parties have engaged in settlement negotiations, Defendants' counteroffer should be higher than Defendants' most recent counteroffer.

The dates outlined in the Court's previous Order Setting Settlement Conference [Doc. 38] are hereby **VACATED** to reflect the above changes.

**IT IS THEREFORE ORDERED** as follows:

**Plaintiffs' letter and settlement demand due to Defendants:**

**April 24, 2012**

**Defendants' letter and counteroffer due to Plaintiffs:**

**April 28, 2012**

**Plaintiffs provide copies of settlement letters to the Court by :**

**May 1, 2012 by 5:00 p.m.**

**Plaintiffs' confidential position statement due to the Court:**

**May 1, 2012 by 5:00 p.m.**

**Defendants' confidential position statement due to the Court:**

**May 1, 2012 by 5:00 p.m.**

**Settlement Conference:**

**May 8, 2012 at 9:00 a.m.**

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**